

Notice of Allowability

Application No.

09/905,519

Examiner

Jordan M. Schwartz

Applicant(s)

NAKANO, SATOSHI

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE, Amendment, and Response of 10/14/2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-11, 13, 15, 16, 18, 19 and 21-23.
3. ☒ The drawings filed on 13 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Allowed Claims: 1-3, 5-11, 13, 15-16, 18-19, 21-23.

Informal Examiner's Amendment/Reasons for Allowance/Examiner's Comments

Informal Examiner's Amendment

An informal examiner's amendment to the record appears below to correct an apparent typographical error. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

1. Claim 19, line 12, change "eye glass" to --eyeglass--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claim 1, none of the prior art either alone or in combination, disclose or teach of the claimed optical element specifically including, as the distinguishing feature in combination with the other limitations, the claimed layer formed on the most image side entire surface of the lens which surface is exposed to an outside environment. Specifically, with reference to independent claim 19, none of the prior art either alone or in combination, disclose or teach of the claimed optical element specifically including, as the distinguishing feature in combination with the other limitations, the claimed layer formed on the most eye side entire surface of the eyeglass. Specifically, with reference

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to independent claim 21, none of the prior art either alone or in combination, disclose or teach of the claimed optical element specifically including, as the distinguishing feature in combination with the other limitations, the claimed transparent conductive layer containing indium oxide. Specifically, with reference to independent claim 22, none of the prior art either alone or in combination, disclose or teach of the claimed optical element specifically including, as the distinguishing feature in combination with the other limitations, the claimed luminous transmittance of the layer as 90% or more.

Specifically, with reference to independent claim 23, none of the prior art either alone or in combination, disclose or teach of the claimed optical element specifically including, as the distinguishing feature in combination with the other limitations, the claimed spectral transmittance of the layer for all light rays in a wavelength region of 400 nm to 700 nm as 98% or more.

Examiner's Comments

For applicant's information, Vitt et al publication number 2004/0156984 is being cited herein because it was brought to applicant's attention (in an after final telephone conference) as a possible relevant reference. However, the examiner is in agreement that the claims distinguish over this reference for the reasons set forth in applicant's arguments received October 14, 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jordan M. Schwartz
Primary Examiner
Art Unit 2873
October 28, 2004